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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 v.)

17 JOSEPH SOLICE ABBATE,)
18 aka, Sherman Joseph Fisher,)
19 aka, "Butch,")

20 MARK JOSEPH BRUNO;)
21 JAMES CALMA ESVER;)
22 RAMON RUBIO,)
23 aka, Jose DeJesus Munoz,)
24 aka, "Primo,")
25 aka, "Chuy";)
26 JUAN JOSE VILLALOBOS LOPEZ,)
27 aka, "Juanito,")
28 Defendants.)

No. CR-11-00291 SBA

ORDER GRANTING
STIPULATED REQUEST TO CONTINUE
HEARING DATE TO OCTOBER 17, 2011
AND TO EXCLUDE TIME UNDER THE
SPEEDY TRIAL ACT

Date: October 3, 2011

Time: 10:00 a.m.

Court: Hon. Sandra Brown Armstrong

26 The parties jointly requested that the status hearing in this matter be continued from
27 October 3, 2011 to October 17, 2011, and that time be excluded under the Speedy Trial Act
28 between those dates to allow for the effective preparation of counsel, taking into account the

1 exercise of due diligence, and continuity of defense counsel.

2 The remaining five defendants, along with twelve co-defendants, were charged in a
3 sixteen-count indictment with (1) conspiracy to possess with the intent to distribute and to
4 distribute methamphetamine, in violation of Title 21, United States Code, Sections 846,
5 841(a)(1), and 841(b)(1)(A)(viii); and (2) possession with intent to distribute, and distribution of,
6 methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1),
7 841(b)(1)(B)(viii), and 841(b)(1)(C). On May 2, 2011 and May 3, 2011, defendants were
8 arraigned on the indictment. Twelve defendants have since pleaded guilty or have scheduled
9 change of plea hearings. The United States has produced substantial discovery to defendants,
10 including draft linesheets from the wiretaps, recorded telephone calls from the wiretaps,
11 surveillance reports, reports and photographs from search warrants that were executed,
12 information regarding defendants' criminal histories (including police reports related to prior
13 arrests), documents related to the authorization of the search warrants, and documents related to
14 the authorization of the wiretaps. Defense counsel need additional time to review the discovery
15 that has been produced, to discuss the evidence with their respective clients, and to investigate
16 the matter.

17 The parties agree to an exclusion of time pursuant to the Speedy Trial Act (18 U.S.C. §
18 3161) from October 3, 2011 to October 17, 2011, in light of (1) the need for defense counsel to
19 review discovery produced by the United States, to discuss the evidence with their respective
20 clients, and to investigate this matter, and (2) defense counsels' other scheduled case
21 commitments during that time period. The extension is not sought for delay. The parties agree
22 the ends of justice served by granting the continuance outweigh the best interest of the public
23 and the defendants in a speedy trial. For these stated reasons, the Court finds that the ends of
24 justice served by granting the continuance outweigh the best interest of the public and the
25 defendants in a speedy trial. Good cause appearing therefor, and pursuant to 18 U.S.C. §§
26 3161(h)(7)(A) and (B)(iv),

27 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
28 October 3, 2011 to October 17, 2011 at 10:00 a.m. before this Court, and that time between

1 October 3, 2011 and October 17, 2011 is excluded under the Speedy Trial Act to allow for the
2 effective preparation of counsel, taking into account the exercise of due diligence, and continuity
3 of defense counsel.

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6 DATED: 9/28/11


HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge